

PATENT

ATTORNEY DOCKET NO.: 04519/81237

DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **Spisulosine Compounds**, the specification of which is attached hereto unless the following space is checked:

           is attached hereto.  
  X   was filed on 08/31/99 as United States Application Serial Number or PCT International Application Number 09/386,724.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Priority Not Claimed</u>
---------------	----------------	-----------------------------	-----------------------------

1.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

<u>Application Number</u>	<u>Filing Date</u>
---------------------------	--------------------

1.

2.

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>Application Number</u>	<u>Filing Date</u>	<u>Status—patented, pending, abandoned</u>
1. 09/058,456	04/10/98	pending

I hereby appoint the following attorneys and agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Donald W. Banner	Reg. No. 17037	Dale A. Malone	Reg. No. 32155
Sheldon W. Witcoff	Reg. No. 17399	Peter D. McDermott	Reg. No. 29411
Robert F. Altherr	Reg. No. 31810	Christopher L. McKee	Reg. No. 32384
Mark T. Banner	Reg. No. 29888	Edward F. McKie, Jr.	Reg. No. 17335
Pamela I. Banner	Reg. No. 33644	Nina L. Medlock	Reg. No. 29673
William W. Beckett	Reg. No. 18262	Timothy C. Meece	Reg. No. 38553
James V. Callahan	Reg. No. 20095	Frederic M. Meeker	Reg. No. 35282
Alan I. Cantor	Reg. No. 28163	Jon O. Nelson	Reg. No. 24566
Gregory J. Cohan	Reg. No. 40959	James A. Niegowski	Reg. No. 28331
Marc S. Cooperman	Reg. No. 34143	Thomas L. Peterson	Reg. No. 30969
Laura J. Demoor	Reg. No. 39654	Charles F. Pigott	Reg. No. 19408
W. Dennis Drehkoff	Reg. No. 27193	Joseph M. Potenza	Reg. No. 28175
Gary D. Fedorochko	Reg. No. 35509	Thomas K. Pratt	Reg. No. 37210
Daniel E. Fisher	Reg. No. 32133	Christopher J. Renk	Reg. No. 33761
William J. Fisher	Reg. No. 34162	Robert H. Resis	Reg. No. 31168
Christopher R. Glembocki	Reg. No. 38800	Steven P. Schad	Reg. No. 32550
Helen A. Greer	Reg. No. 36816	Michael H. Shanahan	Reg. No. 24438
Brian E. Hanlon	Reg. No. 40449	Charles W. Shifley	Reg. No. 28042
Patricia E. Hong	Reg. No. 34373	Joseph M. Skerpon	Reg. No. 29864
Dale H. Hoscheit	Reg. No. 19090	J. Pieter Van Es	Reg. No. 37746
John P. Iwanicki	Reg. No. 34628	Kathleen Madden Williams	Reg. No. 34380
Thomas H. Jackson	Reg. No. 29808	Franklin D. Wolffe	Reg. No. 19724
Sarah A. Kagan	Reg. No. 32141	Susan A. Wolffe	Reg. No. 33568
Robert S. Katz	Reg. No. 36402	Bradley C. Wright	Reg. No. 38061
Ernest V. Linek	Reg. No. 29822		

as my Attorneys and as my Registered Patent Agents.

Address all telephone calls to **Ernest V. Linek** at (617) 227-7111.

Address all correspondence to BANNER & WITCOFF, LTD., 28 State Street, 28th Floor, Boston, MA 02109.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name):

**Kenneth L. RINEHART**

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Urbana, Illinois

Citizenship: United States

Post Office Address: 1306 South Carle Avenue, Urbana, Illinois 61801

Full name of second joint inventor, if any (given name, family name):

**Robert A. WARWICK**

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: \_\_\_\_\_

Citizenship: United States

Post Office Address: \_\_\_\_\_

Full name of third inventor, if any (given name, family name):

**Jesus AVILA**

Inventor's signature: Jesus Avila

Date: November 2, 1999

Residence: \_\_\_\_\_

Citizenship: Spain

Post Office Address: 205 PRINCIPE de VERGARA MADRID 28002 SPAIN

Full name of fourth inventor, if any (given name, family name):

**Nancy L. FREGEAU**

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: \_\_\_\_\_

Citizenship: United States

Post Office Address: \_\_\_\_\_

Full name of fifth inventor, if any (given name, family name):

**Dolores Garcia GRAVALOS**

Inventor's signature: Dolores P. Gravalos

Date: October 22, 1999

Residence: Spain

Citizenship: Spain

Post Office Address: C/ Maldonado, 63. 28006 Madrid

Full name of sixth inventor, if any (given name, family name):

**Glynn T. FAIRCLOTH**

Inventor's signature: \_\_\_\_\_

Residence: \_\_\_\_\_ USA

Citizenship: United States

Post Office Address: \_\_\_\_\_  
10 Rogers Street, 202  
Cambridge 02142

Date: 10/22/99

PATENT

ATTORNEY DOCKET NO.: 04519/81237

**DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **Spisulosine Compounds**, the specification of which is attached hereto unless the following space is checked:

\_\_\_\_\_ is attached hereto.  
  X   was filed on 08/31/99 as United States Application Serial Number or PCT International Application Number 09/386,724.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Priority Not Claimed</u>
---------------	----------------	-----------------------------	-----------------------------

1.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

<u>Application Number</u>	<u>Filing Date</u>
---------------------------	--------------------

1.

2.

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>Application Number</u>	<u>Filing Date</u>	<u>Status—patented, pending, abandoned</u>
1. 09/058,456	04/10/98	pending

I hereby appoint the following attorneys and agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Donald W. Banner	Reg. No. 17037	Dale A. Malone	Reg. No. 32155
Sheldon W. Witcoff	Reg. No. 17399	Peter D. McDermott	Reg. No. 29411
Robert F. Altherr	Reg. No. 31810	Christopher L. McKee	Reg. No. 32384
Mark T. Banner	Reg. No. 29888	Edward F. McKie, Jr.	Reg. No. 17335
Pamela I. Banner	Reg. No. 33644	Nina L. Medlock	Reg. No. 29673
William W. Beckett	Reg. No. 18262	Timothy C. Meece	Reg. No. 38553
James V. Callahan	Reg. No. 20095	Frederic M. Meeker	Reg. No. 35282
Alan I. Cantor	Reg. No. 28163	Jon O. Nelson	Reg. No. 24566
Gregory J. Cohan	Reg. No. 40959	James A. Niegowski	Reg. No. 28331
Marc S. Cooperman	Reg. No. 34143	Thomas L. Peterson	Reg. No. 30969
Laura J. Demoor	Reg. No. 39654	Charles F. Pigott	Reg. No. 19408
W. Dennis Drehkoff	Reg. No. 27193	Joseph M. Potenza	Reg. No. 28175
Gary D. Fedorochko	Reg. No. 35509	Thomas K. Pratt	Reg. No. 37210
Daniel E. Fisher	Reg. No. 32133	Christopher J. Renk	Reg. No. 33761
William J. Fisher	Reg. No. 34162	Robert H. Resis	Reg. No. 31168
Christopher R. Glembocki	Reg. No. 38800	Steven P. Schad	Reg. No. 32550
Helen A. Greer	Reg. No. 36816	Michael H. Shanahan	Reg. No. 24438
Brian E. Hanlon	Reg. No. 40449	Charles W. Shifley	Reg. No. 28042
Patricia E. Hong	Reg. No. 34373	Joseph M. Skerpon	Reg. No. 29864
Dale H. Hoscheit	Reg. No. 19090	J. Pieter Van Es	Reg. No. 37746
John P. Iwanicki	Reg. No. 34628	Kathleen Madden Williams	Reg. No. 34380
Thomas H. Jackson	Reg. No. 29808	Franklin D. Wolffe	Reg. No. 19724
Sarah A. Kagan	Reg. No. 32141	Susan A. Wolffe	Reg. No. 33568
Robert S. Katz	Reg. No. 36402	Bradley C. Wright	Reg. No. 38061
Ernest V. Linek	Reg. No. 29822		

as my Attorneys and as my Registered Patent Agents.

Address all telephone calls to **Ernest V. Linek** at (617) 227-7111.

Address all correspondence to BANNER & WITCOFF, LTD., 28 State Street, 28th Floor, Boston, MA 02109.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name):

**Kenneth L. RINEHART**

Inventor's signature: Kenneth L. Rinehart  
Residence: Urbana, Illinois  
Citizenship: United States  
Post Office Address: 1306 South Carle Avenue, Urbana, Illinois 61801

Date: 23 November 1999

Full name of second joint inventor, if any (given name, family name):

**Robert A. WARWICK**

Inventor's signature: Robert A. Warwick  
Residence: 605 West Iowa Street, Urbana, Illinois 61801  
Citizenship: United States  
Post Office Address: \_\_\_\_\_

Date: 29 November 1999

Full name of third inventor, if any (given name, family name):

**Jesus AVILA**

Inventor's signature: \_\_\_\_\_  
Residence: \_\_\_\_\_  
Citizenship: Spain  
Post Office Address: \_\_\_\_\_

Date: \_\_\_\_\_

Full name of fourth inventor, if any (given name, family name):

**Nancy L. FREGEAU GALLAGHER**

Inventor's signature: Nancy L. Fregeau Gallagher  
Residence: 1423 Lenox Court, Wheeling, Illinois 60090  
Citizenship: United States  
Post Office Address: \_\_\_\_\_

Date: 11/21/99  
12/6/99 28/99

Full name of fifth inventor, if any (given name, family name):

**Dolores Garcia GRAVALOS**

Inventor's signature: \_\_\_\_\_  
Residence: \_\_\_\_\_  
Citizenship: Spain  
Post Office Address: \_\_\_\_\_

Date: \_\_\_\_\_

Full name of sixth inventor, if any (given name, family name):

**Glynn T. FAIRCLOTH**

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: \_\_\_\_\_

Citizenship: United States

Post Office Address: \_\_\_\_\_



**PATENT**

Docket No.: 4126-4011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Kenneth L. Rinehart et al.

Serial No. : 09/386,724

Group Art Unit: 1614

Filed : August 31, 1999

Examiner: Jerome D. Goldberg

For : SPIULOSINE COMPOUNDS

Assistant Commissioner of Patents  
Washington, D.C. 20231

**REVOCATION OF POWER OF ATTORNEY UNDER 37 C.F.R. §1.36 AND  
APPOINTMENT OF ATTORNEY**

Sir:

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS is the assignee of the entire right, title and interest in the above-identified patent application, by an Assignment executed on October 22, 1999, November 2, 1999, November 21, 1999, November 23, 1999, and November 29, 1999. The assignment was recorded December 27, 1999, in the United States Patent and Trademark Office at Reel 010516, Frame 0556.

As assignee of record of the entire interest of the above-identified application, I hereby revoke all powers of attorney previously given.

I hereby appoint the following attorneys and/or agents with full power of substitution and revocation, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith:

David H. Pfeffer (Reg. No. 19,825), Harry C. Marcus (Reg. No. 22,390), Robert E. Paulson (Reg. No. 21,046), Stephen R. Smith (Reg. No. 22,615), Kurt E. Richter (Reg. No. 24,052), J. Robert Dailey (Reg. No. 27,434), Eugene Moroz (Reg. No. 25,237), John F. Sweeney (Reg. No.

27,471), Arnold I. Rady (Reg. No. 26,601), Christopher A. Hughes (Reg. No. 26,914), William S. Feiler (Reg. No. 26,728), Joseph A. Calvaruso (Reg. No. 28,287), James W. Gould (Reg. No. 28,859), Richard C. Komson (Reg. No. 27,913), Israel Blum (Reg. No. 26,710), Bartholomew Verdirame (Reg. No. 28,483), Maria C.H. Lin (Reg. No. 29,323), Joseph A. DeGirolamo (Reg. No. 28,595), Michael P. Dougherty (Reg. No. 32,730), Seth J. Atlas (Reg. No. 32,454), Andrew M. Riddles (Reg. No. 31,657), Bruce D. DeRenzi (Reg. No. 33,676), Mark J. Abate (Reg. No. 32,527), John T. Gallagher (Reg. No. 35,516), Steven F. Meyer (Reg. No. 35,613), Kenneth H. Sonnenfeld (Reg. No. 33,285), Tony V. Pezzano (Reg. No. 38,271), Andrea L. Wayda (Reg. No. 43,979), Walter G. Hanchuk (Reg. No. 35,179), John W. Osborne (Reg. No. 36,231), Robert K. Goethals (Reg. No. 36,813), Peter N. Fill (Reg. No. 38,876), Mary J. Morry (Reg. No. 34,398), Kenneth S. Weitzman (Reg. No. 36,306), Richard Straussman (Reg. No. 39,847), and Stephen J. Manetta (Reg. No. 40,426) of Morgan & Finnegan, L.L.P. whose address is: 345 Park Avenue, New York, New York, 10154; and Michael S. Marcus (Reg. No. 31,727), and John E. Hoel (Reg. No. 26,279), of Morgan & Finnegan, L.L.P., whose address is 1775 Eye Street, Suite 400, Washington, D.C. 20006.

The correspondence address to which all communications about this application are to be directed is as follows:

Kenneth H. Sonnenfeld  
MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, NY 10154  
(212) 415-8513 (Phone)  
(212) 751-6849 (Facsimile)

Respectfully submitted,

On behalf of THE BOARD OF TRUSTEES OF THE  
UNIVERSITY OF ILLINOIS

Date: 3-3-03

By: Stephen K Rugg

(Signature of person authorized to sign  
on behalf of Assignee)

Stephen K. Rugg

(Typed or printed name of person  
authorized to sign on behalf of  
Assignee)

Vice President for Administration,  
(Title of person authorized to sign on behalf of Assignee) <sup>Comptroller</sup>

# PATENT APPLICATION ASSIGNMENT

The undersigned, as inventors named in the patent application identified herein (hereinafter the "Assignor(s)"), for good and valuable consideration, receipt of which is hereby acknowledged, do hereby sell, assign and transfer unto THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS (hereinafter "the Assignee"), its successors and assigns, the entire right, title and interest throughout the world in the inventions and improvements which are the subject of an application filed in the United States Patent and Trademark Office, and identified as follows:

Serial No. 09/386,724; Filing Date August 31, 1999  
SPISULOSINE COMPOUNDS

this assignment including said application, any and all United States and foreign patents, utility models, and design registrations granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purpose; and we authorize the Assignee to apply in all countries in our name or in its own name for patents, utility models and design registrations and like rights of exclusion and for inventor's certificates for said inventions and improvements; and we agree for ourselves and our respective heirs, legal representatives and assigns, without further compensation, to perform such lawful acts and to sign such further applications, assignments, preliminary statements and other lawful documents as the Assignee may reasonably request to effectuate fully this assignment.

First Assignor's Name: Kenneth L. Rinehart

Home Address: 1306 South Carle Avenue  
Urbana, Illinois 61801

Signature: Kenneth L. Rinehart Date: 23 November 1999

Second Assignor's Name: Robert A. Warwick

Home Address: 605 West Iowa Street  
Urbana, Illinois 61801

Signature: Robert A. Warwick Date: 29 November 1999

Third Assignor's Name: Jesus Avila

Home Address:

Signature:

/

SEE COPY  
ATTACHED  
Date: \_\_\_\_\_

Fourth Assignor's Name: Nancy L. Fregeau Gallagher

Home Address: 1423 Lenox Court  
Wheeling, Illinois 60090 USA

Signature:

Nancy L. Fregeau Gallagher

Date: 11/21/99

Fifth Assignor's Name: Dolores Garcia Gravalos

Home Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Signature: \_\_\_\_\_

Date: See copy  
ATTACHED

Sixth Assignor's Name: Glynn T. Faircloth

Home Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Signature: \_\_\_\_\_

Date: See copy  
ATTACHED

## PATENT APPLICATION ASSIGNMENT

The undersigned, as inventors named in the patent application identified herein (hereinafter the "Assignor(s)"), for good and valuable consideration, receipt of which is hereby acknowledged, do hereby sell, assign and transfer unto THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS (hereinafter "the Assignee"), its successors and assigns, the entire right, title and interest throughout the world in the inventions and improvements which are the subject of an application filed in the United States Patent and Trademark Office, and identified as follows:

Serial No. 09/386,724; Filing Date August 31, 1999  
SPISULOSINE COMPOUNDS

this assignment including said application, any and all United States and foreign patents, utility models, and design registrations granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purpose; and we authorize the Assignee to apply in all countries in our name or in its own name for patents, utility models and design registrations and like rights of exclusion and for inventor's certificates for said inventions and improvements; and we agree for ourselves and our respective heirs, legal representatives and assigns, without further compensation, to perform such lawful acts and to sign such further applications, assignments, preliminary statements and other lawful documents as the Assignee may reasonably request to effectuate fully this assignment.

First Assignor's Name: Kenneth L. Rinehart

Home Address: 1306 South Carle Avenue  
Urbana, Illinois 61801

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

SEE COPY

ATTACHED

Second Assignor's Name: Robert A. Warwick

Home Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

SEE  
COPY

ATTACHED

Third Assignor's Name: Jesus Avila

Home Address: \_\_\_\_\_

205 PRINCIPE de VERGARA  
MADRID 28002  
SPAIN

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Jes, Avila

November 2, 1999

Fourth Assignor's Name: Nancy L. Fregeau

Home Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature:

Date: SEE COPY ATTACHED

Fifth Assignor's Name: Dolores Garcia Gravalos

Home Address:

C/ Maldonado, 63. 28006 Madrid  
Spain  
\_\_\_\_\_  
\_\_\_\_\_

Signature:

  
\_\_\_\_\_

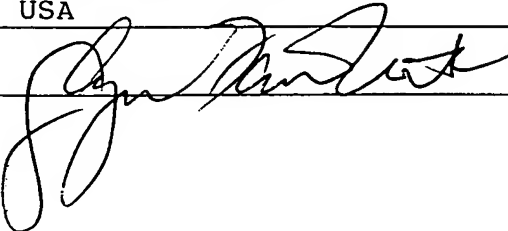
Date: October 22, 1999

Sixth Assignor's Name: Glynn T. Faircloth

Home Address:

10 Rogers Street, 202  
Cambridge 02142  
USA  
\_\_\_\_\_  
\_\_\_\_\_

Signature:

  
\_\_\_\_\_

Date: 10/22/99